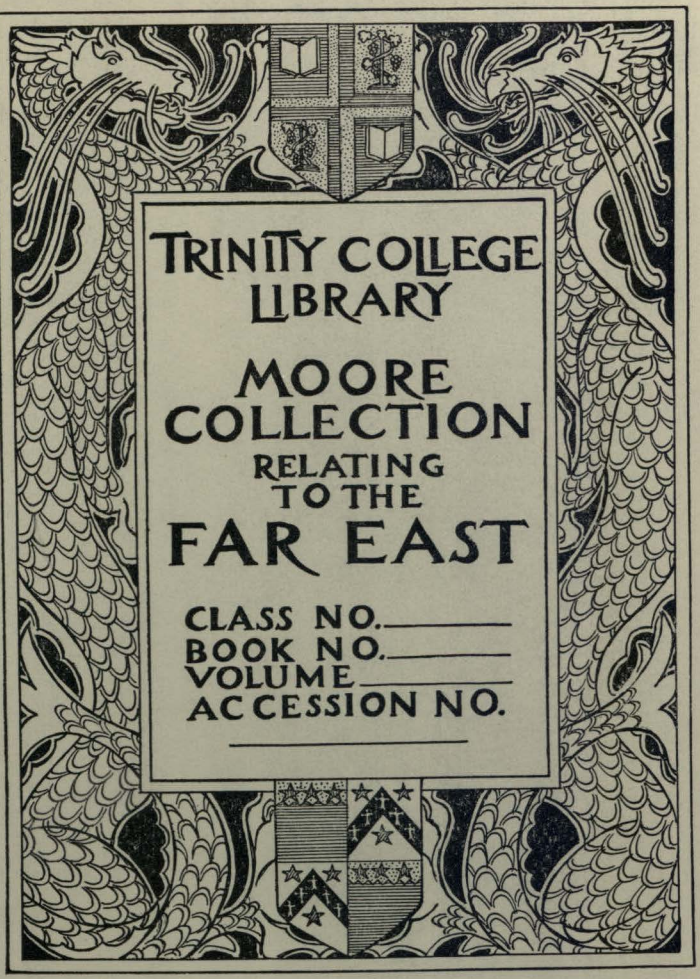

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FOREIGN POLICY ASSOCIATION
Information Service

Fact data on international questions for reference use

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American Policy in China

RECENT developments in China since the replies of Eugene Chen, foreign minister of the Hankow Nationalist Government, to the identic notes sent by the five powers in protest against the Nanking affair, have further complicated the immediate problem confronting the United States, Great Britain, Japan, France and Italy.

In brief, the identic notes presented by the powers on April 11 to Eugene Chen at Hankow and the representative of Chiang Kai-Shek at Shanghai demanded:

1. Adequate punishment of the commander of the troops responsible.
2. Apology in writing by the Commander-in-Chief of the Nationalist Army, including a promise to refrain from violence or agitation against foreign lives and property.
3. Complete reparation for personal injuries and material damage done.

The notes concluded:

"Unless the Nationalist authorities demonstrate to the satisfaction of the interested Governments their intention to comply promptly with these terms, the said Governments will find themselves compelled to take such measures as they consider appropriate."

The separate replies made by Eugene Chen on April 14 were practically identical. In reply to the United States the Nationalist Government made the following points:

1. The Nationalist Government promises to make good all damage done to the American consulate and to make all reasonable reparation for personal injuries and other material damage done wherever it can be proved that this damage was not caused by the American-British bombardment or by northern rebels.
2. It proposes to submit the question of punishment and apologies of the commanders of troops responsible for murders, injuries and damage done to the findings of either the government inquiry in progress or an international commission of inquiry.
3. The future protection of foreigners is promised.
4. The inequitable treaties are cited as the chief danger to foreign lives and property and the Nationalist Government accordingly proposes the appointment of delegates to negotiate with China on the basis of equality.

While the replies of Eugene Chen were generally considered unsatisfactory by the powers, decision as to the next move was made more difficult by the split between the so-called "Moderate" and "Radical" ele-

ments of the Kuomintang. On April 15, simultaneously with the replies received from Eugene Chen, the Central Control Committee of the Kuomintang at Nanking, representing a new government dominated by General Chiang Kai-Shek, adopted a resolution demanding the impeachment of the Hankow Government and the arrest of the Communist leaders who had been directing the radical wing of the party.

Although the representatives of the Powers in Peking are reported to be virtually in harmony, there is evidence that the home governments are not in agreement on the nature of further demands to be made on China. No official statement of policy has been made public by any of the powers, but it appears at the time of writing that Britain favors cooperation among the powers in the use of punitive measures and that Italy and France are disposed to support the British point of view, whereas Japan and the United States have so far opposed the use of military measures.

American public opinion has recognized that the United States must choose between independent or united action in China. On the one hand a group of people voicing sentiments based for the most part on years of experience in China have urged that Washington act independently in an immediate recognition of Chinese aspirations and the appointment of a commission to begin negotiation of new treaties. On the other hand another group, as typified by a number of business men in Shanghai, advocate "immediate concerted action by the powers to restore a condition of security for foreign lives and property in all the treaty ports and to recover all foreign property. . . "

AMERICAN POLICY IN PAST OF INTEREST TODAY

A review of American policy in China from the period preceding the signing of the first treaties is of particular interest at the present time. Many of the questions which confront the United States in its dealings with China today had their origin in the early years of American intercourse with the Far East, and some of them, such as the question of an independent policy or united action with the other foreign powers, have arisen many times under varying circumstances. What was the policy of the United States at the time of the Boxer uprising, during the intervention of the European powers in 1858, and in the Opium War twenty years earlier? What was the attitude of the United States toward the use of force in these earlier crises between China and the powers? Has the United States in the past joined Great Britain and the other western countries in military and naval action? This report is confined to a brief statement of American policy in China during the more important periods in the history of our relations with that country.

EARLY AMERICAN TRADERS ADOPT CONCILIATORY POLICY

American merchants engaged in the East India trade were dealing with the Chinese as early as the period of the American Revolution. During these early years the United States Government, absorbed by its domestic problems, gave little heed to affairs so remote as China and left American traders to develop their interests alone as best they could. Lacking the support of their Government the Americans, in contrast to the British, who had first the backing of the powerful East India Company, and later the support of the British Government, found it wise to adopt a conciliatory policy in their dealings with the Chinese. This policy lasted well into the nineteenth century, throughout the period when Canton was the only Chinese port open to foreigners, and when the Manchu Government at Peking viewed all foreign governments and foreign emissaries as inferiors.

The need for a more clearly defined government policy was first impressed upon the United States by the events leading up to the Opium War, 1839-42, between Great Britain and China. Great Britain had taken the occasion of a dispute over the opium trade to establish her commercial position in China by military and naval intervention. When Americans together with other foreigners were imprisoned in Canton in May, 1839, American merchants petitioned Congress for a fleet to protect

American lives and property and a commissioner to negotiate a commercial treaty with the Chinese.

U. S. DESIRES EQUALITY BUT OBJECTS TO FORCE

Considerable doubt was expressed at home as to the wisdom of sending an American fleet to Chinese waters. The merchants of Boston, New York and Philadelphia counselled prudence, feeling that even a suggestion of force would disturb the harmonious relations established during the preceding fifty years. American public opinion in large measure disapproved the use of force by Great Britain in support of her opium trade. It was generally felt that China had a right to regulate the character of her imports and that while the importation of Indian opium into China had created a favorable condition for England, it was not beneficial to American trade.

The petition of the American merchants in Canton was presented to Congress in January, 1840. In the spring of that year Commodore Kearny, in command of the East India squadron, was sent to China. No further steps were taken, however, until 1843. Opinion in Congress was divided between opposition to any action which suggested cooperation with the British in a policy of force, and the desire of another group, headed by John Quincy Adams, to obtain by treaty the recognition they felt was due us from the Chinese as a sovereign nation distinct from Great Britain.

By the Treaty of Nanking, August 29, 1842, which brought to a close the Opium War between England and China, the ports of Canton, Amoy, Foochow, Ningpo and Shanghai were opened to foreign commerce. The equality of British officials with the Chinese was recognized and trading conditions were improved. By the same treaty, Hongkong was ceded to Great Britain. On October 8, 1843, a supplementary treaty of commerce and navigation was concluded between Great Britain and China, providing an assent in general terms to a measure of extraterritoriality.

NEGOTIATION OF FIRST AMERICAN TREATY

The desire to secure from the Chinese equal rights and privileges with the British prompted the United States Government after the signing of the treaties of 1842 and 1843 to hasten negotiations with China. Although Commodore Kearny had demanded and received assurance from the Chinese at Canton that any trade concessions made to the British would be extended to Americans as well, the United States was anxious to give formal treaty status to its agreements with China. On March 3, 1843, a sum of $40,000 was placed at the disposal of President Van Buren for the appointment of a mission to establish commercial relations with the United States and China on terms of "national equal reciprocity." The instructions given by Daniel Webster, then Secretary of State, to Mr. Caleb Cushing, appointed Commissioner to China on May 8, 1843, read in part as follows:

> "You will state, in the fullest manner, the acknowledgment of this Government that the commercial regulations of the Empire, having become fairly and fully known, ought to be respected by all ships and all persons visiting its ports; and if citizens of the United States, under these circumstances, are found violating well-known laws of trade, their government will not interfere to protect them from the consequences of their own illegal conduct. You will at the same time assert and maintain, on all occasions, the equality and independence of your own country. The Chinese are apt to speak of persons coming into the Empire from other nations as tribute bearers to the Emperor. This idea has been fostered, perhaps, by the costly parade of embassies from England. All ideas of this kind respecting your mission must, should they arise, be immediately met by a declaration, not made ostentatiously, or in a manner reproachful toward others, that you are no tribute bearer; that your Government pays tribute to none and expects tribute from none; and that even as to presents, your government neither makes nor accepts presents. . . .
>
> "Finally you will signify, in decided terms and a positive manner, that the Government of the United States would find it impossible to remain on terms of friendship and regard with the Emperor, if greater privileges or commercial facilities should be allowed to the subjects of any other Government than should be granted to citizens of the United States."

In communicating the project of the treaty Cushing stated:

(1) That the United States desired to treat on the basis of "cordial friendship and firm peace."

(2) That the United States did not desire any portion of the territory of China.

(3) That, while the United States would be happy to treat on the basis of opening all ports and imposing no export duties, yet in the project submitted the wishes of China were heeded and only a free and secure commerce with the five open ports was requested.

PROVISIONS OF AMERICAN TREATY

The first American treaty, signed at Wanghia, July 3, 1844, accorded to the United States virtually the same privileges given the British the year before: the right to reside, to trade and to appoint consuls at the five treaty ports, and to erect dwellings and business places within the ports in agreement with the Chinese authorities. A 5 per cent ad valorem tariff schedule similar to the British schedule was attached to the United States treaty.

The American treaty contained several provisions not found in the British. By far the most important was the explicit statement relating to extraterritoriality. Articles 21 and 25 provided that citizens of the United States committing any crime in China were to be tried and punished only by the American consul under the laws of the United States; Chinese guilty of crime against Americans were to be punished by the Chinese authorities according to the laws of China. These extraterritorial provisions were later extended in a number of treaties between China and the powers.

The first American treaty also contained a most-favored-nation clause granting to Americans all privileges which might at any future time be given to nationals of other foreign powers. This clause, originally intended to provide for equal commercial opportunity, was later inserted in all treaties between the powers and China, and served as a device by which all the nations were able to secure for themselves any privilege gained by another power from China, regardless of the method by which that privilege was gained.

American interest in China increased rapidly in the period following the treaty of 1844. American trade expanded steadily and large numbers of missionaries entered the treaty ports. The immediate effect was a demand for the further opening of the country. At the same time, the United States Government was engrossed in internal affairs, and without funds for an adequate foreign service to follow up the advantages gained by the treaty with the effectiveness of Great Britain. The American Consular Service was irregular and the frequent changes in administration hampered the application of a vigorous or consistent policy. Thus while the policy of the United States generally avoided the use of military measures employed by some of the other powers, proposals for armed support were not entirely lacking from American representatives in the East, and on occasion they were suggested by the Department of State. With few exceptions, however, these proposals were never executed. In general, the United States was concerned primarily with securing equal commercial opportunity without resorting to intervention or coercion itself. But when the other powers obtained any political advantage from the Chinese the United States pursued its right to equal consideration.

During the period between 1844 and 1856, the Chinese Government did all in its power to discourage dealings with the West, resorting to evasion, delays, and passive resistance to prevent intercourse with the representatives of the powers. Friction between Chinese and foreigners increased, although it was the Manchu officials rather than the Chinese merchants who opposed any contact with the West.

BRITISH BID FOR AMERICAN COOPERATION IN 1857

In 1856 disorders in Canton resulted in the capture of that city by British forces, and in 1858, with the continued refusal of the Peking Government to negotiate with the powers, French and British naval forces took the forts at Taku and captured Tient-

sin. Throughout this crisis Great Britain bent every effort to secure American cooperation, or the assurance that the United States would not oppose her use of force in China. On March 14, 1857, Lord Napier, the British Minister at Washington, presented to Secretary of State Cass a request that the United States grant "that concurrent and active cooperation which the government of France has already accorded and that they will authorize their naval and political authorities in China to act heartily in concert with the agents of the two allied powers."

The American Secretary of State, replying to a memorandum from Lord Napier on April 10, 1857, said in part:

> "True wisdom . . . dictates the observance of moderation and discretion in our attempts to open China to the trade and intercourse of the world. To be safe and successful the effort must be the work of time, and of those changes which time gradually brings with it."

Continuing, Secretary Cass said:

> "Our naval officers have the right—it is their duty, indeed, to employ the forces under their command, not only in self-defense but for the protection of the persons and the property of our citizens when exposed to acts of lawless outrage, and this they have done both in China and elsewhere, and will do again when necessary. But military expeditions into the Chinese territory cannot be undertaken without the authority of the national legislature."

U. S. REFUSES TO JOIN BRITAIN AND FRANCE

The United States did not join Great Britain and France in the hostilities of 1857. President Buchanan, however, compromised to the extent of dispatching to China a plenipotentiary to be present during the negotiations, with instructions to press American claims for reparations and a revision of the treaty of 1844 at any opportune time. In effect, the United States gave her tacit approval to the British plan of chastisement, while refraining from active participation.

Secretary Cass in giving the American Minister his instructions, said:

> "There seems to be an entire unanimity of sentiment and action between Great Britain and France, extending even to armed cooperation, and you will find from the papers annexed that the United States has been invited to join the alliance and to participate in its hostile movements. The reasons of the President for declining this participation are all sufficiently stated in the communication to the British Minister already referred to, together with his opinions as to the extent to which the United States may fairly cooperate with the allied powers in China."

Writing him a month later, the American Secretary of State said:

> "This country, you will constantly bear in mind, is not at war with the government of China nor does it seek to enter that Empire for any other purposes than those of lawful commerce and for the protection of the lives and property of its citizens. The whole nature and policy of our government must necessarily confine our action within these limits, and deprive us of all motives either for territorial aggrandisement or the acquisition of political power in that distant region."

PROVISIONS OF TIENTSIN TREATY OF 1858

Through the operation of the most-favored-nation clause America obtained without cost or bloodshed in the Treaty of Tientsin, 1858, all that was included in the treaties of the other powers, and our policy of peaceful negotiation laid the basis for a friendship between China and the United States which developed rapidly in the next decade. The new treaties gave the powers the right to maintain diplomatic officials at Peking and provided for the opening of five new treaty ports to foreign trade. Foreigners were also allowed to enter the interior of China, missionaries were granted the right to preach Christianity without molestation, and the tariff duties as fixed under the earlier treaties were revised.

American relations with China were further strengthened by Anson Burlingame, United States Minister to China from 1861 to 1867. His efforts as Minister were directed largely to bringing the treaty powers to agree among themselves on a generous course to be pursued in China. In a letter to the Shanghai American Consul-General at this time he described his policy as "an effort to substitute fair diplomatic action in China for force."

Burlingame, who left the American diplomatic service and entered that of China, later headed a Chinese delegation which visited the United States, England and the continental countries and nego-

tiated treaties which placed China, in theory at least, on the same diplomatic footing with the nations of the western world.

American policy in China underwent no important changes during the twenty-five years following the signing of the Tientsin treaties. The privileges gained at Tientsin were gradually extended and clarified in separate agreements relating to commercial intercourse and judicial procedure, regulation of taxes, protection and privileges of missionaries, purchases of land and the administration of treaty ports and foreign settlements. Throughout this period Chinese internal affairs were increasingly disturbed by distrust of the Manchu régime and opposition to the growing influence of foreign powers in China.

ENUNCIATION OF THE OPEN DOOR DOCTRINE

The end of the nineteenth century marked the beginning of a period which lasted until the outbreak of the World War, in which the principal European powers competed for "spheres of influence" in China. Great Britain, France, and Germany had already embarked on a policy of colonial expansion in Africa and the Near East, and China with her weakness revealed by the war with Japan in 1894, appeared to offer a lucrative field for exploitation. The various concessions won from China by the powers between 1895 and 1901 have been mentioned in another issue of the Information Service.* It suffices to say that the scramble for concessions menaced not only the integrity of China and the principle of equal opportunity of trade, but indirectly the peace of the world.

The realization of what was taking place in China brought from John Hay, American Secretary of State, in 1899, a declaration of policy which came to be known as the Open Door Doctrine. While the doctrine was based on two principles of American policy which had been followed by the United States for half a century—equal opportunity of trade and the integrity of China—Hay gave them new significance by setting before the world a definite formula at the opportune moment, and committing the other powers to its execution and observance. As first enunciated by John Hay, the declaration of the Open Door was tantamount to an expression of American policy in China in relation to American interests. The dominant motive was the safeguarding of those interests in China from the danger of the rapidly spreading spheres of influence and leased territories. Hay hoped to accomplish this by maintaining within the spheres of influence equal treatment in matters of tariff and transportation.

The importance attached to American interests in China at the time was indicated by President McKinley in his Annual Message to Congress on December 16, 1898:

> "The United States has not been an indifferent spectator of the extraordinary events transpiring in the Chinese Empire, whereby portions of its maritime provinces are passing under the control of various European powers; but the prospect that the vast commerce which the energy of our citizens and the necessity of our staple productions for Chinese uses has built up in those regions may not be prejudiced through any exclusive treatment by the new occupants has obviated the need of our country becoming an actor in the scene. Our position among nations, having a large Pacific coast and a constantly expanding direct trade with the farther Orient, gives us the equitable claim to consideration and friendly treatment in this regard, and it will be my aim to subserve our large interests in that quarter by all means appropriate to the constant policy of our Government."

AMERICAN POLICY DURING BOXER REBELLION

In the early summer of 1900 the Boxer Insurrection assumed serious proportions. When the true nature of the rebellion became known, John Hay issued a second circular note addressed to the Treaty Powers on July 3, 1900, defining the policy of the United States as follows:

> "In this critical posture of affairs in China it is deemed appropriate to define the attitude of the United States as far as present circumstances permit this to be done. We adhere to the policy initiated by us in 1857 of peace with the Chinese nation, of furtherance of lawful commerce, and of protection of lives and property of our citizens by all means guaranteed

*Foreign Interests in China. Vol. II., No. 25.

under extraterritoriality treaty rights and by the law of nations. If wrong be done to our citizens we propose to hold the responsible authors to the uttermost accountability. We regard the condition at Peking as one of virtual anarchy, whereby power and responsibility are practically devolved upon the local provincial authorities. So long as they are not in overt collusion with rebellion and use their power to protect foreign life and property we regard them as representing the Chinese people, with whom we seek to remain in peace and friendship. The purpose of the President is, as it has been heretofore, to act concurrently with the other powers; first, in opening up communication with Peking and rescuing the American officials, missionaries, and other Americans who are in danger; secondly, in affording all possible protection everywhere in China to American life and property; thirdly, in guarding and protecting all legitimate American interests; and, fourthly, in aiding to prevent a spread of the disorders to the other provinces of the Empire and a recurrence of such disasters. It is, of course, too early to forecast the means of attaining this last result; but the policy of the government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principles of equal and impartial trade with all parts of the Chinese Empire."

In June, 1900, the foreign legations at Peking were besieged and cut off from outside communication. An expedition of approximately 20,000 men, including American, British, French, Russian, German and Japanese troops, arrived on August 14, after a ten day march from Tientsin, in time to relieve the foreigners. There was no unified command, although the officers of the several powers cooperated to a certain degree.

DEMANDS OF THE BOXER PROTOCOL

The negotiations which followed revealed a wide difference of opinion between the principal foreign powers regarding the demands to be made upon China. The United States representative declined to determine the nature of the punishment of the instigators and perpetrators of the anti-foreign outrages, maintaining that China should impose punishment in all cases. Largely through his efforts the list of culprits was repeatedly revised and the form of punishment reduced. He further discouraged proposals for prolonged occupation of China, or the erection of an international fort in Peking. In the matter of indemnities the United States urged that they should not exceed a reasonable amount and should be well within the capacity of China to pay. In the Protocol finally agreed upon the powers demanded reparation for the murder of the German minister and the chancellor of the Japanese legation, an indemnity of 450,000,000 taels ($330,000,000), punishment of eleven Chinese officials, the right to maintain permanent legation guards at Peking and to keep open communications between Peking and Tientsin, and forbade arms importations. The Boxer Indemnity money was later returned to China to be used for educational purposes.

In 1902 with Great Britain and in 1903 with the United States and Japan, China endeavored to negotiate treaties which should provide for an increase in her tariff rates and for the gradual abolition of foreign extraterritoriality. Inasmuch as ratification was conditioned upon unanimous acceptance of the provisions by the other treaty powers, which was never obtained, China's first efforts to regain a measure of her sovereignty failed.

U. S. UPHOLDS INTEGRITY OF CHINA

From 1901 until the outbreak of the European war the Open Door Doctrine was invoked by the United States on frequent occasions, and often with the support of other powers, when it appeared that the territorial integrity of China and the equality of commercial opportunity was threatened. The Russian encroachment in Manchuria following the Boxer Protocol drew vigorous protests from the United States, Great Britain, Germany and Japan in 1902. The Anglo-Japanese Alliance, concluded in January of the same year, was intended as a further check on Russian designs.

During the Russo-Japanese War, 1904-5, the United States and the powers exerted pressure on the belligerents to maintain the neutrality of China. John Hay gave the

following instructions to the American ministers accredited to the belligerent powers and China:

> "You will express to the minister of foreign affairs the earnest desire of the Government of the United States that in the course of the military operations which have begun between Russia and Japan the neutrality of China and in all practical ways her administrative entity shall be respected by both parties, and that the area of hostility should be localized and limited as much as possible, so that undue excitement and disturbance of the Chinese people may be prevented and the least possible loss to the commerce and peaceful intercourse of the world may be occasioned."

At the instance of the German Emperor, who suspected that France headed a powerful coalition against the integrity of China and the maintenance of the Open Door, a further circular note was sent out by Hay in January, 1905, requesting that no neutral powers present claims in the final negotiations between Russia and Japan at the expense of China's territorial integrity. Favorable responses were received from Great Britain, Belgium, Germany, Austria-Hungary, Portugal and Italy. Whether in consequence of Hay's notes or not, the peace between Russia and Japan provided that they would evacuate Manchuria and restore the territory to Chinese administration, with the exception of the Liaotung Peninsula, the control of which was transferred from Russia to Japan. This gave Japan control of the southern half of the Chinese Eastern Railway.

JAPANESE ENCROACHMENT IN MANCHURIA

The contest for spheres of influence did not end with the Russo-Japanese War. Prevented by the powers from gaining all of her immediate objectives in the Treaty of Portsmouth, Japanese policy toward China took a more aggressive turn. The Japanese Government embarked upon a policy of colonial expansion directed toward the mainland of Asia. In 1905 Japan's "paramount political, military and economic interests" in Korea were recognized, and in 1910 Korea was annexed by Japan. In August, 1905, while the Portsmouth negotiations were still in progress, the Anglo-Japanese Alliance was renewed and the terms were extended to include British rights in India as well as in China, in exchange for recognition of Japan's paramount interests in Korea. In 1907 friendly relations were established with Russia and each power agreed to respect the territorial integrity of the other and pledged itself to maintain the *status quo* in its respective spheres. This agreement, as well as the Anglo-Japanese Alliance, provided for the maintenance of the Open Door Doctrine. In 1907 Japan and France concluded an agreement for mutual support in their respective spheres in China. At the same time the expansion of Japanese commercial influence in Manchuria aroused the opposition of England and the United States, who vigorously protested against the establishment of exclusive commercial influence by the Japanese.

STRUGGLE FOR RAILWAY CONCESSIONS

The United States followed this development of Japanese policy in Manchuria with the closest attention. In 1908, Secretary Elihu Root and Ambassador Takahira concluded an informal agreement, in the form of an exchange of notes, which upheld the Open Door Doctrine and declared that the policy of both governments was directed "to the maintenance of the existing *status quo* . . . and to the defense of the principle of equal opportunity for commerce and industry in China." The Open Door principle was again asserted by the United States when the Russo-Chinese Bank attempted to establish municipal administration in Harbin and other cities along the Chinese Eastern Railway, in violation of Chinese rights and sovereignty and of the Treaty of Portsmouth.

This attempt on the part of Russia to gain control over territory by means of a railway concession was one of the first, more flagrant, examples of a new struggle which ensued between the powers for railway concessions. The concessions entailed large loans and many times involved exclusive and arbitrary privileges inimical to free trade. The actual, if not the theo-

retical, sovereign right of China to offer equal commercial privileges appeared to be rapidly diminishing.

During the years from 1907 to 1910 alone, China signed agreements for at least six railway loans, four with Great Britain and two jointly with Great Britain and Germany. Japan was also taking an active part in extending her railway control. The most vigorous struggle centered over a railway concession commonly known as the Hukuang Railway. When asserting the American right to participate in the Hukuang Railway Loan, though the right was based on rather weak promises of the Chinese Government in 1903 and 1904, the State Department declared, "the principle involved is that of equal opportunity." The United States further apprehended that provisions for payment of these railway loans involved important political considerations. In the final agreement, signed in May, 1911, America participated on an equal basis in a four-power consortium representing France, Germany, Great Britain, and the United States.

NEUTRALIZATION PLAN PROPOSED BY SECRETARY KNOX

As the early struggle for leases and concessions called forth John Hay's first circular note in 1899, this second international struggle for railway concessions brought forth the neutralization plan of Secretary Knox, which proposed by means of an international loan to provide China with funds to redeem the Manchurian Railways, under control of Japan and Russia, and to construct new lines under the control of the Chinese Government.

Meanwhile another instance of the American desire to apply the doctrine of equal opportunity was presented when China offered an American banking group the Currency Reform and Manchurian Industrial Development Loan of $50,000,000. The United States Government felt that such an important undertaking should have the support and cooperation of other powers interested in China, and accordingly offered to the same three powers with whom negotiations were being carried on for the Hukuang Railway Loan a chance for equal participation. The agreement was concluded on this basis in April, 1911.

With the birth of the Republic in 1911 the Peking Government was forced to resort to administrative loans in order to meet ordinary non-productive needs of the government. As a consequence the bankruptcy of China appeared possible and the eventual foreign control of China's finances very probable. Since no one country would willingly see another gain exclusive control, the powers were compelled to combine and cooperate in order that foreign control of China's finances, if it became necessary, would be international control rather than that of any single power. The instrument used was the old consortium to which Russia and Japan were added.

During the Taft Administration the United States policy of international cooperation was continued and efforts were directed toward concerted action by the powers in negotiating a loan which should finance China.

At the same time the United States Government and the foreign powers, aware of the danger to China produced by China's reckless borrowing of administrative and political loans, felt compelled to adopt supervisory measures and to appoint foreign advisers.

COOPERATION WITHDRAWN BY WILSON ADMINISTRATION

Under the Wilson Administration the policy of the United States was radically changed, taking the form of withdrawal and non-intervention, as the best method of preserving the administrative integrity of China. Both the Taft and Wilson administrations saw the danger to China, in the terms of the international administrative loans, but, on the one hand, it was interpreted that participation would serve China best, and on the other, non-intervention.

Almost immediately after the withdrawal of the United States from active participation in the consortium the struggle for concessions revived. In the midst of the contest, however, the World War broke out and directed the attention of the western world to a different area, leaving Japan the only great power to be feared by China.

JAPAN PRESENTS HER TWENTY-ONE DEMANDS

Japan was not slow to seize the opportunity opened to her. In 1914 she presented a Memorandum, aiming to solve the "Chinese Question," which was the forerunner of the Twenty-One demands presented in January, 1915. In May, 1915, Japan presented an Ultimatum to China necessitating a favorable reply within two days. Coerced, China yielded to all of the Demands but Group V, which would have made her virtually a vassal of Japan. The Twenty-One Demands, culminating in the treaties of May, 1915, were a complete violation of the principles of the Open Door Doctrine. America and the powers, however, were absorbed by the World War.

During the War, Japan enjoyed an era of remarkable prosperity and secured a tremendous lead over the other nations in trade with China. The Wilson administration relaxed almost all effort for the maintenance of the Open Door in China. In reference to the Japanese Demands the United States declared at the time only that it could not be bound by any treaty violating the rights of American citizens or the principles of the Open Door Doctrine. From the Chinese point of view, this, together with the withdrawal of the American Banking Group in 1913, seemed like a breakdown of the doctrine. The Chinese were also much disturbed when in 1917 Viscount Ishii came to America and during the course of negotiations for war measures secured, by the Lansing-Ishii Agreement, an even more favorable recognition of Japan's position in China. The agreement stated that "the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous."

That America did not intend to give up the Open Door policy, however, is shown in the following paragraph from the same agreement:

"The Governments of the United States and Japan deny that they have any purpose to infringe in any way the independence or territorial integrity of China, and they declare, furthermore, that they always adhere to the principle of the so-called 'open door' or equal opportunity for commerce and industry in China."

WASHINGTON CONSIDERS THE FAR EAST

Following the conclusion of the Peace Treaties attention was again directed to the pressing problems of the Far East, which had been largely neglected by the western powers between 1914 and 1918. The United States took the lead in calling the Washington Conference of 1921-22. A brief summary is sufficient to record the principal results of the Conference, which marked a new period in the relations between China and the powers.

Four treaties dealing specifically with questions relating to the Far East and the Pacific were drawn up at the Conference.

1. A Treaty Between All Nine Powers Relating to Principles and Policies to be Followed in Matters Concerning China.
2. A Treaty Between the Nine Powers Relating to Chinese Customs Tariff.
3. A Treaty for the Settlement of Outstanding Questions Relative to Shantung.
4. A Treaty Between the United States of America, the British Empire, France and Japan relating to their Insular Possessions and Insular Dominions in the Pacific Ocean, with a Supplement.

In the first treaty the nine signatory powers declared it their desire "to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other powers on the basis of equality of opportunity."

By this treaty it was provided that a Commission "to inquire into the (then) present practice of extraterritorial jurisdiction in China, and into the laws and the judicial system and the methods of judicial administration in China" for the purpose of reporting their findings of fact and for making recommendations, should meet within three months after the adjournment of the Conference.

Additional resolutions were passed regarding the abolition of foreign postal agencies in China, the withdrawal of armed forces in China not provided for by treaty, for limiting operations of foreign-owned radio stations, the unification of railways in China, the reduction of Chinese military forces, for full publicity of existing (treaty) commitments of China, or with respect to China, and resolutions regarding the preservation of foreign interests in the Chinese railways.

The Treaty Relating to Chinese Customs Tariff provided for an early revision of the 1918 schedules of the Chinese import tariff, making the duties equivalent to an effective 5 per cent ad valorem, and, further, through the convening of a Special Conference, for the abolition of "likin" (a tax on goods in inland transit) and an increase in tariff rates by surtaxes.

Japan, through the Treaty Relative to Shantung, agreed to relinquish her control of Shantung. As a further step in this direction, Mr. Balfour at the same time announced Britain's intention to restore the British leased territory of Weihaiwei, and the French delegation announced it would be willing to enter into negotiations for the restoration of Kwangchouwan, the French leased territory in South China.

The treaty relating to Insular Possessions and Insular Dominions in the Pacific Ocean was intended to minimize the danger of a war in the Pacific and provided for the termination of the Anglo-Japanese Alliance.

IMMEDIATE RESULTS OF WASHINGTON CONFERENCE

The Washington Conference definitely marked the end of the period in which the powers sought to establish spheres of influence in China. Up to 1922 the Open Door Policy had rested on unilateral declarations and bilateral agreements, to which China was not a party, and by which the principle of equality or opportunity lacked vital effectiveness. As a result of the Washington Conference, the Open Door policy was given a wider significance and China was offered a more favorable opportunity for adjusting her international relationships.

It is impossible at this time to determine the ultimate results of the Washington Conference. The extent to which the agreements made at Washington have been carried out, however, and the more immediate results which have been achieved to date may be briefly summarized.

The provision for the return of Shantung was carried into effect in an agreement between China and Japan, signed December 1, 1922, and the former German territory of Kiaochow, taken over by Japan during the World War, was returned to China by Japan on December 10 of the same year.

The postal agencies of the foreign powers have been withdrawn, and in varying measure the other resolutions appended to the Nine Power Treaty have been partially carried through.

The Tariff Revision Commission met in Shanghai soon after the Conference and worked out a revised schedule of duties on Chinese imports, making the 5 per cent ad valorem effective, but the Special Conference, due largely to irrelevant delays on the part of France and Italy, did not meet until the fall of 1925.

THE SPECIAL CUSTOMS CONFERENCE

The first session of the Conference convened in Peking in October, 1925. According to the treaty agreement arrived at in Washington, the scope of the Conference was to be limited to provide for the abolition of "likin," and an increase of the tariff rates through an additional 2½ per cent surtax on "necessities" and 5 per cent on "luxuries."

The Chinese Government early made known its desire that the scope of the Customs Conference should be broadened to consider the granting of complete tariff autonomy to China. Attention was called to the fact that her delegates to the Conference at Washington expressly reserved the right to bring the matter forward on a proper occasion.

To China's suggestion the United States replied as follows:

> "The United States is ready to appoint its delegates to the Special Conference on Chinese

tariff matters provided for in the Treaty of February 6, 1922, and is furthermore willing, either at that Conference or at a subsequent time, to consider and discuss any reasonable proposal that may be made by the Chinese Government for a revision of the treaties on the subject of the tariff."

The British position in the matter of Chinese tariff autonomy was set forth in more guarded fashion in the instructions of the British Minister to the British delegates to the Conference:

"While the specific tasks of the Special Conferences are thus defined, His Majesty's Government look to it as affording an opportunity for the Treaty Powers to show their real friendship for China and their practical sympathy with the desire of the Chinese to reform their fiscal system, and on such lines as will give reasonable security and encouragement to international trade, and thus make possible the progressive growth of China's liberty of action in this sphere."

Conditions at the time of the Conference were disturbed by fighting between the northern War Lords, and many of the Chinese delegates left Peking during the winter and following spring. When the Conference informally terminated on July 3, 1926, much of the work remained undone. The failure of the Conference to reach an agreement was also due in part to the fact that the foreign delegates in their desire to maintain unity of action were unable to agree among themselves on the nature of the goods to be classed as "necessities" and "luxuries" and the desire of certain powers to obtain a guarantee from China that the proceeds of the surtaxes be placed under foreign control and devoted to the payment of foreign debts.

The powers reached an agreement in principle on the granting of tariff autonomy to China, as of January 1, 1929, when the Chinese National Tariff Law was to be promulgated. The agreement, which was never bound by treaty, was subject to fulfillment by China of her promise to abolish likin.

Recent events indicate that China is likely to insist on full tariff autonomy by January 1, 1929, if not before, inasmuch as Northern and Southern factions alike, despite the protests of the Customs Administration, have ordered collection of the 2½ per cent surtax forecasted by the Conference.

COMMISSION ON EXTRATERRITORIALITY

The Commission on Extraterritoriality, after many delays, finally met in Peking in January, 1926. The powers of the Commission were advisory in nature and not binding. Twenty-one sessions were held, lasting until September, 1926, and a unanimous report was made which has been divided into four parts dealing with:

(1) the present practice of extraterritoriality.
(2) the laws and judicial and prison system of China.
(3) the administration of justice in China.
(4) recommendations.

The first three parts set forth findings of fact. In general, the Commission reported that China had advanced considerably in the establishment of modern courts, law codification and prison improvement, but that there were still many subjects not covered by specific laws. The operation of the courts was found far from efficient, due, largely, to the disregard of civil rights by military officials and the fact that many of the laws were nothing more than executive mandates, not enacted in accordance with the methods prescribed by the Constitution of China. The Recommendations were set forth as conditions precedent to the relinquishment by the several powers of their respective rights of extraterritoriality.

CHINA'S FIRST "EQUAL" TREATY

In the treaty concluded between Russia and China in May, 1924, China made her first step forward in the abrogation of the so-called unequal treaties and the establishment of relations of equality and reciprocity between herself and a Western power. The direct benefits of this treaty to China are somewhat theoretical, inasmuch as China failed to gain unconditional surrender of the Chinese Eastern Railway or the unconditional evacuation of Mongolia by the Soviet Government. The points of the treaty may be summarized as follows:

(1) Abolition of Russian extraterritoriality in China.

(2) Abrogation of all the treaties, conventions and agreements between the Czarist Government and China, and conclusion of new treaties, conventions and agreements upon the principle of equality and reciprocity.

(3) Abrogation of such of the treaties between Russia and a third party or parties as may be prejudicial to the sovereignty of China.

(4) Relinquishment by Russia of all privileges relative to tariff, and eventual conclusion of a tariff treaty based upon reciprocity.

(5) Relinquishment by Russia of all claims to the Settlements, barracks and leased lands established or obtained in China by the Czarist Government.

(6) Relinquishment of Russian claims to the remainder of the Boxer Indemnity.

Russia was unwilling to turn over the Chinese Eastern Railway unless China could purchase the railway with her own capital; this being obviously impossible an arrangement for joint management was worked out, the preponderance of control being in Russia's favor. In this connection it is worth noting, however, that Russia's rights were economic ones, the political rights being vested in China. Chinese sovereignty is also recognized by the Soviets in Mongolia and gradual evacuation has been promised, subject to conditions guaranteeing the safety of the frontiers.

ABROGATION OF TREATIES

In June, 1925, the Chinese Government addressed identic notes to the sixteen nations having unequal treaties with China, requesting revision on the basis of equality and reciprocity. No power gave a response satisfactory to the Chinese.

The first definite move for the abrogation of treaties was made in April, 1926, when the Chinese Government at Peking informed the Belgian Government that the General Treaty of Friendship, Commerce and Navigation of 1865 was, by Article 46, subject to revision or abrogation, and that if the treaty was not replaced by October 27, 1926, by one of complete equality and reciprocity the entire treaty would be considered as abrogated. There followed a volume of diplomatic correspondence in the effort to establish a mutually satisfactory *modus vivendi*, pending negotiation of a new treaty. Belgium proposed to submit to the Permanent Court of International Justice the question of China's right to demand a revision or abrogation of the treaty. No agreement was reached and the Chinese Government withheld its consent to refer the matter to the Court, arguing that as the issue was an entirely political one, the Court had no authority to decide whether one of the parties is equal and sovereign. On October 27, 1926, the treaty was declared abrogated by the Chinese Government. Belgium has since notified the Peking government of its willingness to abandon extraterritorial rights, though for the period of negotiation of a new treaty the old one continues in force.

Early in October, 1926, China notified Japan that the Treaty of Commerce and Navigation of 1896 was due to expire and filed notice of a desire for revision or abrogation of the unilateral phrases of the treaty. Japan has adopted a conciliatory attitude in the negotiations, reserving the right to make any revision in matters of tariff or extraterritoriality subject to the conclusions of the Customs and Extraterritoriality Conferences.

France has also been notified of the expiration of her treaty concerning Annam, and Spain of the expiration of her treaty of commerce and friendship.

RISE OF THE NATIONALIST MOVEMENT

Meanwhile important developments affecting the whole basis of China's relations with the powers were taking place in southern China. With the development of the Nationalist movement, headed by Dr. Sun Yat-sen, one of the leaders in the revolution of 1911, the demand for equality among the nations, abolition of extraterritoriality and customs autonomy spread rapidly among the Chinese people. During 1925 the Nationalist Party, or Kuomintang, with headquarters at Canton, launched a vigorous campaign for the unification of China and the abrogation of the unequal treaties. The Nationalist armies, under the command of General Chiang Kai-shek, achieved a series of military victories which carried them northward to the Yangtse River in the short space of three

months. By December, 1926, virtually half of China was under the control of the southern government and it seemed probable that Shanghai, with its 40,000 foreigners, and perhaps even Peking, would fall before the Nationalist forces.

This new situation called for a prompt statement of policy on the part of the powers.

THE BRITISH MEMORANDUM OF DECEMBER, 1926

Great Britain took the initiative in a Memorandum made public December 26, 1926, directed to the powers signatory to the Washington Conference. In this Memorandum Britain declared her intention of carrying on the spirit of the Washington Conference and proposed that the powers jointly declare their willingness to negotiate on treaty revision and other pertinent questions as soon as China had constituted a government with authority to negotiate. The Memorandum went on to suggest that the powers declare their readiness to grant China complete tariff autonomy as soon as a new national tariff had been determined. All intent to exert foreign control on China was denied, and last but by no means least, the Memorandum proposed that the powers agree to an immediate and unconditional grant of the Washington surtaxes, the proceeds of which need not necessarily be remitted by the Commissioner of Customs to the custodian banks at Shanghai.

Articles 6 and 7 of the Memorandum read in part as follows:

> "His Majesty's Government . . . desire to submit their considered opinion as to the course which the Washington Treaty Powers should now adopt. His Majesty's Government propose that these Governments shall issue a statement setting forth the essential facts of the situation; declaring their readiness to negotiate on treaty revision and all other outstanding questions as soon as the Chinese themselves have constituted a Government with authority to negotiate; and stating their intention pending the establishment of such a Government to pursue a constructive policy in harmony with the spirit of the Washington Conference but developed and adapted to meet the altered circumstances of the present time.
>
> "His Majesty's Government propose that in this joint declaration the Powers should make it clear that in their constructive policy they desire to go as far as possible towards meeting the legitimate aspirations of the Chinese nation. They should abandon the idea that the economic and political development of China can only be secured under foreign tutelage, and should declare their readiness to recognize her right to the enjoyment of tariff autonomy as soon as she herself has settled and promulgated a new national tariff. They should expressly disclaim any intention of forcing foreign control upon an unwilling China. While calling upon China to maintain that respect for the sanctity of treaties which is the primary obligation common to all civilized States, the Powers should yet recognize both the essential justice of the Chinese claim for treaty revision and the difficulty under present conditions of negotiating new treaties in place of the old, and they should therefore modify their traditional attitude of rigid insistence on the strict letter of treaty rights. During this possibly very prolonged period of uncertainty the Powers can only, in the view of His Majesty's Government, adopt an expectant attitude and endeavor to shape development so far as possible in conformity with the realities of the situation so that ultimately, when treaty revision becomes possible, it will be found that part at least of the revision has already been effected on satisfactory lines. It would therefore be wise to abandon the policy of ineffective protest over minor matters, reserving protest—which should then be made effective by united action—only for cases where vital interests are at stake. Every case should be considered on its merits and the declaration should show that the Powers are prepared to consider in a sympathetic spirit any reasonable proposals that the Chinese authorities, wherever situated, may make, even if contrary to strict interpretation of treaty rights, in return for fair and considerate treatment of foreign interests by them. The declaration should show that it is the policy of the Powers to endeavor to maintain harmonious relations with China without waiting for or insisting on the prior establishment of a strong Central Government."

RESPONSE OF OTHER TREATY POWERS

The reception of the powers was marked by caution. Though the responses of Belgium and Italy were in favor of the British proposal, France was more inclined to "wait and see," adopting a policy of strict neutrality in the meantime.

The Foreign Minister of Japan, Baron Shidehara, on January 17, speaking before the Diet, indirectly answered the British proposal and at the same time summarized

Japan's position toward China in the following terms:

"First, to respect the sovereignty and territorial integrity of China and scrupulously to avoid all interferences in her domestic strife.

"Second, to promote solidarity and economic rapprochement between the two nations.

"Third, to entertain sympathetically and helpfully the just aspirations of the Chinese people and to cooperate in their effort for the realization of such aspirations.

"Fourth, to maintain an attitude of patience and toleration in the present situation in China, and at the same time to protect Japan's legitimate and essential rights and interests by all reasonable means at the disposal of the Government."

In accordance with the above reasons Baron Shidehara explained that Japan was sending no troops, only naval units for the protection of lives and property, and was enforcing an embargo on munitions and loans from Japanese sources. Japan, he further explained, had no objection to levying the surtaxes provided in the Washington Customs Treaty, provided such revenue was not applied to purposes of civil war.

SECRETARY KELLOGG'S STATEMENT OF AMERICAN POLICY

The United States did not reply directly to the British proposal. But on January 26, of this year Secretary Kellogg made public a memorandum which set forth American policy in part as follows:

"At this time, when there is so much discussion of the Chinese situation, I deem it my duty to state clearly the position of the Department of State on the questions of tariff autonomy and the relinquishment of extraterritorial rights.

"The United States is now and has been, ever since the negotiation of the Washington Treaty, prepared to enter into negotiations with any Government of China or delegates who can represent or speak for China not only for the putting into force of the surtaxes of the Washington Treaty but entirely releasing tariff control and restoring complete tariff autonomy to China.

"The United States would expect, however, that it be granted most-favored-nation treatment and that there should be no discrimination against the United States and its citizens in customs duties, or taxes, in favor of the citizens of other nations or discrimination by grants of special privileges and that the open door with equal opportunity for trade in China shall be maintained; and further that China should afford every protection to American citizens, to their property and rights.

"The United States is prepared to put into force the recommendations of the Extraterritoriality Commission which can be put into force without a treaty at once and to negotiate the release of extraterritorial rights as soon as China is prepared to provide protection by law and through her courts to American citizens, their rights and property. . . .

"The Government of the United States was ready then and is ready now to continue the negotiations on the entire subject of the tariff and extraterritoriality or to take up negotiations on behalf of the United States alone. The only question is with whom it shall negotiate. As I have said heretofore, if China can agree upon the appointment of delegates representing the authorities or the people of the country, we are prepared to negotiate such a treaty. However, existing treaties which were ratified by the Senate of the United States cannot be abrogated by the President but must be superceded by new treaties negotiated with somebody representing China and subsequently ratified by the Senate of the United States.

"The Government of the United States has watched with sympathetic interest the nationalistic awakening of China and welcomes every advance made by the Chinese people toward reorganizing their system of Government.

"During the difficult years since the establishment of the new régime in 1912, the Government of the United States has endeavored in every way to maintain an attitude of the most careful and strict neutrality as among the several factions that have disputed with one another for control in China. The Government of the United States expects, however, that the people of China and their leaders will recognize the right of American citizens in China to protection for life and property during the period of conflict for which they are not responsible. In the event that the Chinese Authorities are unable to afford such protection, it is of course the fundamental duty of the United States to protect the lives and property of its citizens. It is with the possible necessity for this in view that American naval forces are now in Chinese waters. This Government wishes to deal with China in a most liberal spirit. It holds no concession in China and has never manifested any imperialistic attitude toward that country. It desires, however, that its citizens be given equal opportunity with the citizens of the other Powers to reside in China and to pursue their legitimate occupations without special privileges, monopolies or spheres of special interest or influence."

Not receiving from the other powers assurance of joint action, as proposed in her December Memorandum, Great Britain pursued her policy independently and opened negotiations between North and South China just previous to the rioting at

Hankow and Kiukiang in early January. These negotiations, concerning the future status of the British concessions at Hankow and Kiukiang were carried on in the South, after the first informal conversations between Mr. Eugene Chen, Kuomintang Foreign Minister, and the new British Minister, Sir Miles Lampson, by Mr. Owen O'Malley of the British Legation at Peking. Negotiations in the south culminated in an agreement signed on February 19, 1927 between Mr. Chen and Mr. O'Malley. The agreement as concluded provided for administration of the British Concession as a Sino-British municipality, modelled on the ones already existing in the former German and Austrian concessions. The policing and management of the public works and sanitation are to be conducted by the Chinese authorities in charge. Chinese citizens and British subjects are entitled to the same rights. The agreements at Kiukiang were practically identical.

Negotiations in the north for the return of the British Concession at Tientsin provide for a council made up of five Chinese and five British members, the deciding vote resting with the Chinese chairman.

American official policy continues as at first outlined by Secretary Kellogg in January when the northern advance of the Cantonese army created a danger zone for foreigners in the Yangtze Valley. On April 25th the President made the following statement of the official attitude in Washington:

> "Our citizens are being concentrated in ports where we can protect them and remove them. It is solely for this purpose that our warships and marines are in that territory. . . . We do not wish to pursue any course of aggression against the Chinese people. We are there to prevent aggression against our people by any of their disorderly elements. Ultimately the turmoil will quiet down and some form of authority will emerge, which will no doubt be prepared to make adequate settlement for any wrongs we have suffered. We shall, of course, maintain the dignity of our Government and insist upon proper respect being extended to our authority. But our actions will at all times be those of a friend solicitious for the well-being of the Chinese people."

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